

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the August 5, 2015 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Unapproved**

**1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

William K. Hoser, PA-C called the meeting to order at 12:27 P.M.

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Allen Evans; Faisil Gill; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Robert Simpson, Esq., Presiding Officer.

**2. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

**3. Public Comment:**

**4. Approval of Minutes of the July 1 and July 15, 2015 Board Meetings:**

Dr. Bernstein moved to accept the minutes of the July 1, 2015 meeting. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Liebow moved to accept the minutes of the July 15, 2015 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**5. Board Issues (Mr. Hoser):**

None

**6. Administrative Update (Mr. Herlihy):**

Mr. Herlihy spoke to the members about the possibility of holding an annual retreat and requested members submit topics of interest for the agenda.

Mr. Herlihy informed members that the Board will be sending out the annual newsletter in September. Article topics will include: telemedicine; DATA 2000 and the Treatment of Opioid Addiction in the Medical Office; the Rules Governing the Prescribing of Opioids for Chronic Pain; the Vermont Prescription Monitoring System Rule; the new Act 60 mandatory reporting requirements, an update in the Interstate Compact; a featurette from the Immunization Program at VDH; and a report on the findings of a study regarding prescribing practices of antipsychotic medications to children.

Mr. Herlihy noted that the office staff is in the process of testing the CAVU system upgrade, and also considering options for a new IT system.

Mr. Herlihy thanked members for their flexibility and responsiveness to holding special committee meetings this summer.

Mr. Herlihy provided an update on a meeting held with the Vermont Medical Society he attended with Mr. Hoser, Dr. Burgee, the current VMS President, David Codaire, Wendy Davis, and Madeleine Mongan. VMS presented additional feedback regarding the board investigative procedure and a recent study from the American Medical Association about different investigative processes that seemingly would be unworkable for the board. Members discussed concerns about balancing the investigative process as required by statute with the issues presented by VMS. Mr. Herlihy reiterated that he received feedback last year and is in the process of incorporating those considerations into the new rules, and noted that there will be an opportunity for feedback and public comment in the rule making process.

He also noted that VMS has shifted its opinion regarding the interstate compact as there has been concerns expressed regarding fees that could potentially be shared by all licensees, whether they have an interstate compact license or not. Another note of concern was that it might not be in the state's best interest to allow physicians to enter into the field of telemedicine.

## **7. Presentation of Applications (12:30 p.m. – 12:45 p.m.):**

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Dr. Drew presented the facts and the recommendation of the Licensing Committee for the Board to approve a request by Linda Lau, MD for a waiver based upon the rule for the number of attempts to complete the USMLE.

Dr. Sproul made a motion to approve the request for a waiver based upon the rule for the number of attempts to complete the USMLE. Mr. Gill seconded the motion.

The motion passed: recused: none; abstained: none; opposed: none

**8. Presentations to the Board (12:45 p.m. – 1:15 p.m.):**

**9. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)**

**In re: Fred J. Rossman, MD – MPS 135-0912 & MPS 060-0714 – Stipulation and Consent Order**

Mr. Simpson and Ms. Deiderich addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Dr. Clattenburg made a motion to approve the Stipulation and Consent Order. Dr. Sproul seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee.

**10. Reconvene meeting; Executive Session to Discuss:**

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

Dr. Hayward made a motion at 1:30p.m. to return to Executive Session to continue to discuss confidential matters related to investigations. Dr. Reich seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

**11. Return to Open Session; Board Actions on matters discussed in Executive Session:**

Dr. Hayward made a motion at 1:53p.m. to return to Open Session. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. LeCours, North Investigative Committee, asked to close:**

MPN 051-0415 – Letter #1  
MPN 075-0515 – Special Letter #1  
MPN 036-0315 – Letter #1  
MPN 043-0415 – Letter #1 – Dr. Reich abstained  
MPN 077-0515 – Special Letter #1  
MPN 061-0515 – Letter #1 – Dr. Reich recused  
MPN 034-0315 – Special Letter #1  
MPN 078-0515 – Special Letter #1

Dr. Clattenburg made a motion to close the cases presented. Dr. Sproul seconded

the motion. The motion passed; opposed: none; abstained: 1; recused: North Investigative Committee and 1 other.

**Mr. Jenkins, Central Investigative Committee, asked to close:**

Central Committee did not close any cases.

**Dr. Reich, South Investigative Committee, asked to close:**

MPS 020-0215 – Special Letter #1

MPS 067-0515 – Letter #1; Dr. Bernstein and Dr. Sproul recused.

MPS 090-0515 – Special Letter #1; Dr. Hayward recused

MPS 091-0515 – Special Letter #1

Mr. LeCours made a motion to close the cases presented. Dr. Payne seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee and 3 others.

**12. Board Actions on Committee recommendations with regard to any non-confidential matters:**

**13. Other Business:**

Mr. Herlihy discussed anticipated proposal for legislation regarding medical licensure for athletic team physicians. He advised that the board has received a request to consider the exemption of athletic team physicians from licensing requirements and that many states allow physicians traveling with teams to treat athletes, coaches and other staff while they are in the state for an athletic event. Members discussed that this is an internationally accepted practice, whether or not it differs from the Good Samaritan law, and whether the Osteopathic Board had received the same request. Mr. Herlihy provided a memo from a UVMHC representative, a report from the Federation of State Medical Boards and a journal article on this subject for the board to review and consider.

Mr. Jenkins made a motion to accept the FSMB recommendation regarding the exemption for team physicians subject to further investigation and drafting in the FY '16 legislative session. Dr. Drew seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**14. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)**

- **August 13, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor,**

**Conference Room 2C, Burlington, VT**

- **August 14, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6<sup>th</sup> Floor of the Deane C. David Building, Waterbury, VT**
- **August 19, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor Burlington, VT (and via telephone)**
- **August 19, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **September 2, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **September 2, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**15. Open Forum:**

**16. Adjourn:**

Ms. McClain made a motion to adjourn. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 2:30 p.m.

**Attachments: Appendix A**

Respectfully submitted,

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Karen A. LaFond  
Medical Licensing & Operations Administrator

## **APPENDIX A**

### **Presentation of Applications**

**Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:**

Jeffrey Adler, MD	Jeffrey Bentson, MD	Jonathan Bjork, DPM
Peter Boosalis, MD	Gene Carpenter, II, MD	Hsichao Chow, MD
Susannah Clark, MD	Lyle Gerety, MD	Elisabeth Haeger, MD
Charles Hanson, MD	Mary Herndon, MD	Charlene Kakimoto, MD
Donald Kosiak, MD	Kimberly Lane, MD	Kellie LaRochelle, PA-C
Linda Lau, MD	Katherine Nacca, MD	Matthew Nichols, PA-C
Kyle Rickstad, PA-C	Andrew Rosenfeld, MD	Arturo Saavedra, MD
Patrick Schottel, MD	Ryan Sexton, MD	Priyanka Singh, MD
Andrew Solares, MD	Garrett Taylor, MD	John Travnicek, MD
Lucas Van Oeveren, MD	Collin Vaughn, MD	

Recommended by Dr. Reich for licensure and certification. Seconded by Mr. Gill. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:**

Duan Meservy, MD	Paul Hill, MD
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Recommended by Dr. Hayward for licensure and certification. Seconded by Dr. Plavin. The motion passed; opposed: none; abstained: none; recused: none.